

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHNNY JACKSON and LATESIA
JACKSON,

Plaintiff,

v.

PEOPLES SOUTH BANK f/k/a PEOPLES
COMMUNITY BANK, et al.,

Defendants.

CIVIL ACTION NO.
2:06-CV-00021-WKW-VPM

DEFENDANTS' RESPONSE TO ORDER TO SHOW CAUSE

COME NOW the defendants, PeoplesSouth Bank ("PeoplesSouth") and Larry Pitchford ("Pitchford") (collectively "Defendants"), by and through their undersigned counsel, and hereby state the following in response to the Court's Order to Show Cause of June 22, 2006:

1. Plaintiffs filed their Complaint on December 6, 2005 in the Circuit Court of Barbour County, Alabama. (Doc. 1, Ex. A).
2. Defendants removed this action on January 9, 2006. (Doc. 1).
3. PeoplesSouth filed its Answer on January 9, 2006. (Doc. 4).
4. Pitchford moved to dismiss or, in the alternative, for summary judgment on January 9, 2006 which has been continued by this Court pending ruling on Plaintiffs' Motion to Remand which was filed February 2, 2006. (Docs. 6, 14, 19).¹

¹ Pursuant to this Court's briefing schedule, all briefs and evidence in support or opposition to Plaintiffs' Motion to Remand have been filed by all parties. (Docs. 17, 20, 21).

5. Plaintiffs' filed their Motion to Stay Rule 26(f) Conferencing & Report Deadline on June 5, 2006. (Doc. 22)

6. On June 22, 2006, this Court ordered defendants to show cause why Plaintiff's Motion to Stay Rule 26(f) Conferencing & Report Deadline should not be granted. (Doc. 23).

7. Defendants advise the Court that they have no objection to Plaintiff's Motion to Stay Rule 26(f) Conferencing & Report Deadline.

8. Defendants further state that, had plaintiffs' counsel conferred with defendants' counsel prior to the filing of such a motion, Defendants would have expressed their consent at that time.

s/ Christian W. Hancock

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Ricky J. McKinney (MCK030)

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CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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s/Christian W. Hancock

Of Counsel